

UNITED STATES DISTRICT COURT 5:02 pm, Dec 01, 2023

FOR THE

U.S. DISTRICT COURT

EASTERN DISTRICT OF NEW YORK EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

Theodore Roosevelt Federal Courthouse

Emanuel Cellar Federal Courthouse

225 Cadman Plaza East

Brooklyn, NY 11201

(718) 613-2270

Alfonse D'Amato Federal Courthouse

100 Federal Plaza

Central Islip, NY 11722

(631) 712-6000

Pro Se: (631) 712-6060

**Brenna B. Mahoney**

Clerk of Court

**August Marziliano**

Chief Deputy, Brooklyn

**Michael Kramer**

Chief Deputy, Central Islip

Date: 12/1/2023

Re: 23-CV-06529(NJC)(ARL)

Dear *pro se* litigant:

The enclosed **motion and opposition** are being returned without docketing or consideration for the following reason(s):

- ( ) The docket number and/or judges' initials are incorrect or missing.
- ( ) Your signature is required on all papers filed with the Court. Please sign wherever an "X" appears.
- ( ) These papers appear to be intended for another court or agency.
- ( ) Papers cannot be filed without indicating that they have been served on all parties in your action, or their attorneys. This office *will not* forward copies of your papers to other parties or their counsel. An affirmation of service form is enclosed.
- ( ) Your papers do not meet the minimum requirements for:
  - ( ) Legibility: please type or print clearly.
  - ( ) Language: only English is acceptable.
  - ( ) Form or Content: See forms/instructions enclosed.
  - ( ) Please indicate the documents you served on your affirmation of service.
  - ( ) Other:
- ( ) This Court will only accept papers on 81/2 by 11 paper. Note that this does not include exhibits.
- ( ) Pursuant to Local Civil Rule 5.1, discovery materials are not filed with the Court except by Order of the Court.
- ( ) Your Notice of Appeal has been processed, and your case is closed. Your papers should be directed to:

United States Court of Appeals for the Second Circuit  
 Thurgood Marshall U. S. Courthouse  
 40 Foley Square  
 New York, NY 10007

- ( ) Our records indicate that you are represented by an attorney. As such, you may not file papers or communicate directly with the Court. Please refer this matter to your attorney.
- ( ) The Court cannot act on your submission(s). To the extent that it is your intent to start a new action, or to file a motion, please request the appropriate form(s) from our website or from our office.
- (XX) Other: The document submitted appears to be a duplicate filing. Please see docket entry numbers 19 and 20. As such a copy of the current docket sheet is enclosed.

By: \_\_\_\_\_

K. Santana

Case 2:23-cv-06529-njc-arl

November 20, 2023

Motion For Extension

Bullion Shark LLC (Plaintiff)

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V.

Flip A Coin Bullion LLC, Matthew forman,  
Christina Cappello, Jacob forman and Joseph Forman  
(Defendant)

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Dear Judge Choudhury,

Regarding the Plaintiffs motion for temporary restraining order, we just received the motion on November 17th 2023 and we are mailing out our response to the court, the plaintiff, and electronically filing it with box.com today November 20th 2023. As far as your order to meet in courtroom 1040 at 4 pm on November 21st 2023, I am asking the court for a continuance until January 2024. The reason for our motion for continuance is we all reside in Tampa Bay, Florida and with the Holidays coming Thanksgiving, Christmas and New Years, we need ample time to finance and schedule a trip to New York and find a lawyer within our budget as we are all in the red with our finances. Please see attachments for proof of address.

I would like to thank you in advance for your response and your understanding to our motion.

Kindly,

Flip A Coin Bullion LLC

*Joseph Forman*

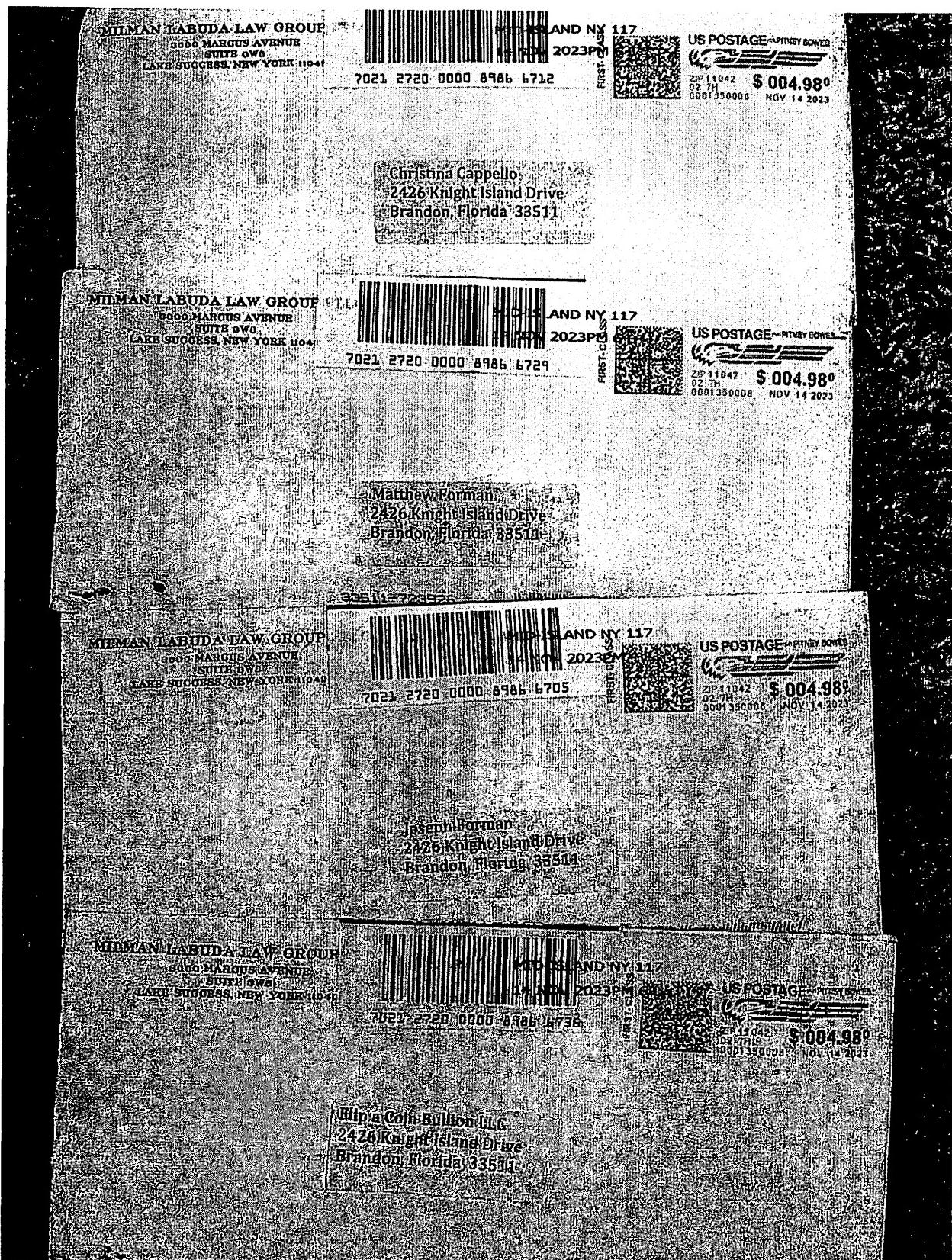
*Matthew forman*

*Christina Cappello*

*Jacob Forman*

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November 20, 2023



Case 2:23-cv-06529-njc-arl

November 20, 2023

United States District Court  
Eastern District of New York  
Bullion Shark LLC, Plaintiff

V

Case No: 2:23-cv-6529 (NJC) (ARL)

Opposition to Motion

Flip A Coin Bullion LLC, Matthew  
Forman Christina Cappello, Jacob  
Forman, Joseph Forman

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Dear Your Honor,

Flip A Coin Bullion LLC, Joseph Forman, Matthew Forman, Jacob Forman and Christina Cappello are filing a motion of opposition regarding the motion Bullion Shark LLC filed on November 17th 2023 against us for the restraining order towards their so-called clients, employees and trade secrets.

- 1) Regarding the non compete for Christina, Jacob and Matthew we are not familiar with signing the non compete as those are not even our signatures and we were never even informed or explained what a non compete is as this was our first real job out of college
- 2) Regarding contacting their clients, we have done nothing wrong because we never signed a non compete and all names and numbers are public knowledge. We purchased our leads from Sales Leads TV Incorporated and this is where we get our names and numbers please see exhibit number (1) and (1a). Based on where we get our leads from we obviously will have mutual clients, why would we buy leads if we stole their clients? From a common sense standpoint it doesn't make sense.
- 3) Based on paragraph 2 of their motion , we have never deliberately gone after Bullion Sharks clients nor talked badly about their firm or any of their employees. On the contrary, the owner of Bullion Shark, Nicholas Adamo, has gone through desperate and illegal measures to contact our dual clients. Mr. Adamo called my clients and recorded them without their permission and got them involved in a lawsuit without speaking to them and letting them know what his real intentions were. Also, in the conversation with Mark Joslyn exhibit (2b), I have highlighted the area of him telling our clients not to do business with Flip A Coin. We are fully prepared to suplена these clients on our behalf to confirm these misleading conversations by Mr. Adamo as after speaking with them they are very upset.
- 4) Regarding Bullion Sharks trade secrets, suppliers and products that Bullion Shark uses it is all public knowledge. For example Sales Binder, Sales Leads TV Incorporation, and the hundreds of coin dealers across this country and other countries as well as Fedex/Post office. So if we are using some of the same vendors we are not stealing their trade secrets. If you were to compare how they run their business and what vendors they use we would match maybe 30%.

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- 5) Regarding breaking into their database we bought our leads from Sales leads TV Incorporation see exhibit (1) and (1a).
- 6) Regarding their trade secrets, their database and their financials, we have never taken them and used them for our business in any way, shape or form and we are looking forward to them proving that in court.
- 7) In conclusion, we filed in Florida for Flip A Coin LLC on August 7th 2023 and we were approved on August 16 2023 see exhibit (4). 1 day after getting approved, we were mailed a complaint on August 17th 2023 from Bullion Shark please see exhibit (3).
- 8) Based on the information I have provided in my exhibits, especially (2) (2a) and (2b), you will see and read how Mr. Adamo manipulated, lied and recorded these unwilling customers without their knowledge. Mr. Adamo is just scared of a little healthy competition and will do anything including adding Joseph Forman, a 55 year old very sick man ( the main reason why we left Bullion Shark and Moved to Florida ) who never worked at nor had anything to do with Bullion Shark, he just moved to Florida for health reasons and Jacob Forman, an 18 year old college student who worked for them for six weeks 2 years ago. It is obvious Mr. Adamo and Bullion Shark will do anything to put our mom and pop, brick and mortar business out of business. As of November 20th 2023, we have limited clients and we are deeply in the red.
- 9) Based on the information I have provided, I'm asking the court to dismiss Bullion Sharks motion for a restraining order to contact our mutual clients.
- 10) 7 exhibited and 1 explanation

We want to thank you in advance for taking the time for our opposition to their motion.

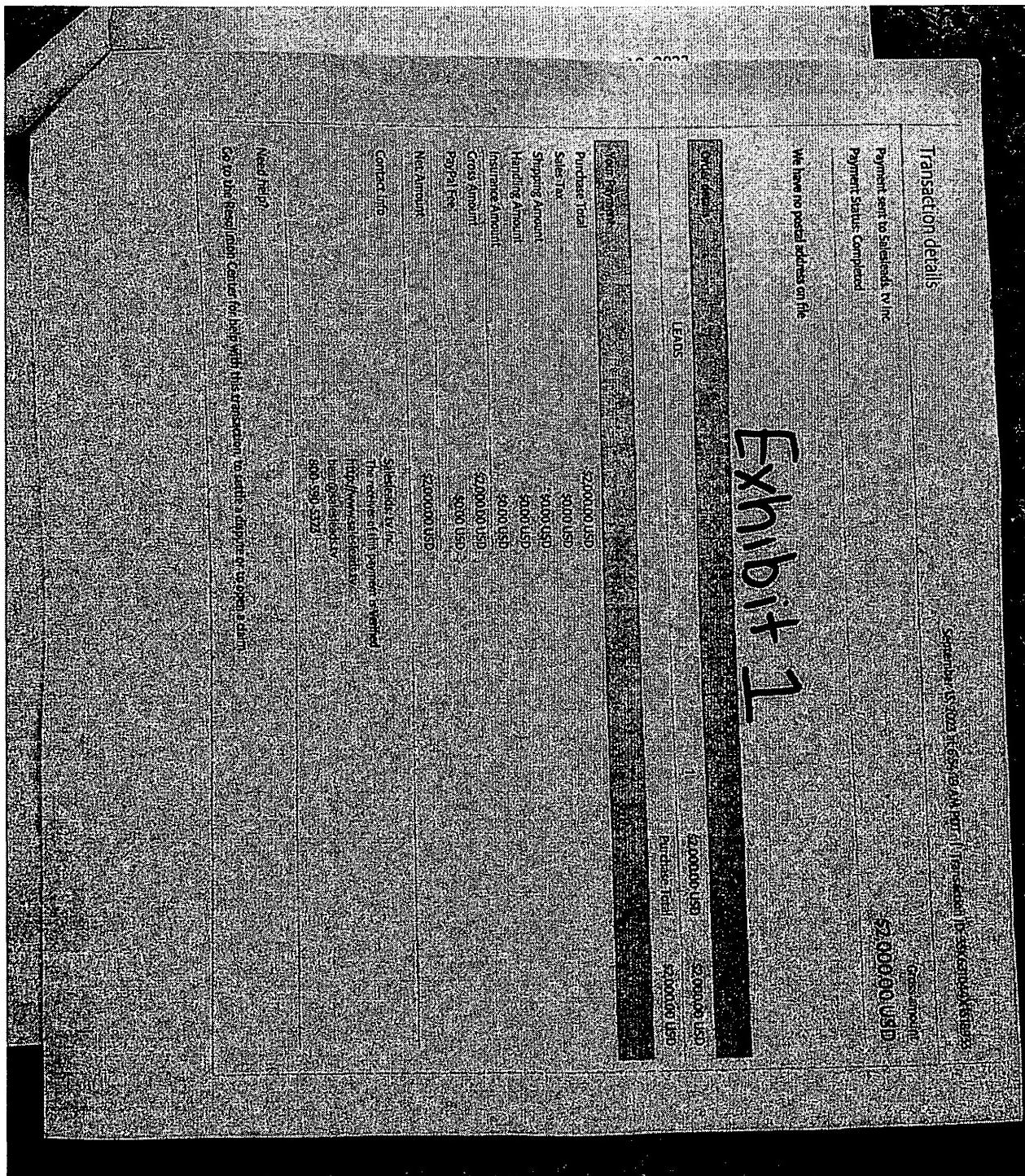
Sincerely,

Flip A Coin Bullion LLC

*Joseph Forman  
Matthew forman  
Jacob Forman  
Christina Cappello*

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Need help?  
Go to the Help Center for answers to common questions.

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**PARK**  
**EVALUATIONS**

**Exhibit 2**

Nicholas Adamo	Yeah, awesome my friend. How you been?
Harry Boltz	Good.
Nicholas Adamo	Good. I just wanted to let you know we're getting everything squared away for you, as you know, you got that limit on your card. So it just takes a couple days to put the payments through, but we'll get everything squared away. We're gonna get everything shipped out to you. So you should have everything in a couple days. All right?
Harry Boltz	Ok. Didn't know.
Nicholas Adamo	Awesome, my friend. A quick question I had for you. Have you heard from Matt Forman at all lately? Because I've been getting a lot of calls that he moved to Florida and opened a coin shop called Flip a Bullion or something coin.
Harry Boltz	Yeah, Flip a Coin. Yeah, I've heard from them.
Nicholas Adamo	Oh, you did? He gave you a call?
Harry Boltz	Well, he texted me, yeah.
Nicholas Adamo	Oh, he texted you. Yeah, he's trying to sell you stuff.
Harry Boltz	Yeah.
Nicholas Adamo	I gotcha. How often do you hear from?
Harry Boltz	Stuff like maybe "How you doing?" Maybe three times a week.
Nicholas Adamo	Oh, yeah, three times a week. Oh, wow. He's aggressive. He's more persistent than me.
Harry Boltz	I don't know about that.
Nicholas Adamo	My goodness! Harry, Harry, you are a character, my friend. That's why we get along so well. What was I gonna say? Yeah, um, so yeah, so I guess it's true then he's, you know, down in Florida and he's kind of you know, willing to deal in selling coins and it's I think it's Flip a Coin Bullion, right? I think I found his website.
Harry Boltz	I haven't looked at it, maybe.
Nicholas Adamo	I gotcha. Yeah, you know, Matt Forman was you know, he was a good guy while he was here. I don't know why he decided to get out of here so quick, but I don't know he wants to move to Florida or something, I heard.
Harry Boltz	Yeah, he didn't say anything to me why is that.
Nicholas Adamo	Yeah, have you bought anything from him yet? Or no?
Harry Boltz	2006s.
Nicholas Adamo	2006 what? Gold pieces?
Harry Boltz	Silver Eagles.
Nicholas Adamo	Silver Eagles? Gotcha. What they end up charge you for those?
Harry Boltz	[Inaudible] What should he have? Let me look.
Nicholas Adamo	What were they, Mint States or proofs?
Harry Boltz	Proofs.
Nicholas Adamo	I could have done those at 99 bucks.
Harry Boltz	[Oh] 110 is what he said them to me for.
Nicholas Adamo	110 he sold them to you for?
Harry Boltz	Yeah.
Nicholas Adamo	Yeah, gotcha were they like Standard Label. [Inaudible chattering]. Harry, can you hear me?
Harry Boltz	Yeah, just a second.
Nicholas Adamo	Sure. What kind of quick quick question I have for you. I know I'm Italian my last name is Adamo. I don't know if I never told you, Boltz, what is Boltz?
Harry Boltz	Boltz is German.
Nicholas Adamo	Oh, German. I am part German too, that's awesome. Sorry, what were you saying?
Harry Boltz	MS70.
Nicholas Adamo	Oh, MS70. I could have sold you those at like 60 bucks.
Harry Boltz	Oh.
Nicholas Adamo	If you want, can you send me the invoice? Because if you send me the invoice, you know, like I said, I could discount you accordingly. You know and like I said, I'll make sure that you have a boatload of money. I mean, that's a lot of money to save.
Harry Boltz	I mean don't, I'll get it sent to you tonight.
Nicholas Adamo	Okay, you have my email?

CERTIFIED TRANSCRIPTION

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English Transcription

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212-581-6877  
eval@parkeval.com  
www.parkeval.com

## Exhibit 2A

Nicholas Adamo	Hey Guy, it's Nick over at Bullion Shark, the owner, how are you?
Guy Foote	Good, how you doing, Nick?
Nicholas Adamo	Good, my friend. It's a pleasure to speak with you. Aaron told me a lot about you.
Guy Foote	Yeah?
Nicholas Adamo	I appreciate all your business.
Guy Foote	For sure, I appreciate you.
Nicholas Adamo	I appreciate that my friend, now this is Guy Foote. Right?
Guy Foote	Yep. Guy Foote.
Nicholas Adamo	Okay, so it's Foote. Okay, sorry about that. Hey, quick question. Quick question. I had a quick question I had for you, my friend. Aaron was telling me that you got a call from Flip a Coin Bullion, Matt over there.
Guy Foote	Yeah, Jake.
Nicholas Adamo	Oh, Jake, you got a call from Jacob Foreman, right?
Guy Foote	Yeah.
Nicholas Adamo	At Flip a Coin Bullion what was he trying to sell you?
Guy Foote	He was trying to sell me that what I just bought from you guys, The Reverse Proof Morgan & Peace Dollar.
Nicholas Adamo	Gotcha. Okay, so, so you said Jake Foreman called you from Flip a Coin Bullion in Florida. They are right?
Guy Foote	Yeah.
Nicholas Adamo	Yeah. Did you end up buying anything from him?
Guy Foote	He just called me again yesterday.
Nicholas Adamo	Oh, he called you again yesterday, yeah?
Guy Foote	Yeah, I didn't buy anything from him, no. He quoted me \$100 cheaper on those coins. And I was like, "Well," [inaudible].
Nicholas Adamo	Yeah, I don't know what he was offering you. Exactly. Oh, that's crazy.
Guy Foote	Yeah, he was offering me the Reverse Proof Morgan & Peace Dollar for 299.
Nicholas Adamo	Gotcha. Gotcha. Yeah, they're probably they might have been the unsigned ones. That might have been the case. But yeah, I'm not sure. I'd have to look into that for you. Oh, well. All right. So, they've so Jacob called you a couple times?
Guy Foote	Yeah.
Nicholas Adamo	Gotcha.
Guy Foote	I don't know, how he got my number, or how even know me or what?
Nicholas Adamo	But yeah, that's very strange, because you never talked to him beforehand. You were dealing with Aaron, right?
Guy Foote	Yeah, I've always dealt with Aaron. Yup.
Nicholas Adamo	Did he say anything? Like, "Oh, don't do business with Aaron, do business with me?"
Guy Foote	No, No.
Nicholas Adamo	Gotcha. Okay. Yeah, I was just wondering. All right, all right. Guy, I appreciate that my friend and Aaron will be in touch with you. I appreciate it! And we'll talk soon, and I appreciate your business as always. And you know, I appreciate you know, you're letting me know all that stuff.
Guy Foote	For sure. Yeah.
Nicholas Adamo	All right, my friend. You'll see, you have a great day, all right? Well, take care buddy.
Guy Foote	You as well.

CERTIFIED TRANSCRIPTION

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English transcription

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November 20, 2023

**PARK  
EVALUATIONS**

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212-5814887  
eval@parkeval.com  
www.parkeval.com

**Exhibit 2B**

Mark Joslyn	Some coins and I told him I like I kind of liked already used my allowance. So, I'm a registered nurse and I also trying to get my business off the ground for Mark's Coin and Currency LLC. And they called me this morning and I bought some 2024 slabbed just the Mint coins MS70s from NGC and I bought like six of them at \$85 apiece. And so, I use I use my like, my monthly little salary, but so he was trying to sell me something I go "Man, you should have got to me earlier I said I just bought six coins."
Nicholas Adams	Oh, gotcha! So this is Mark Joslyn, right?
Mark Joslyn	Yes, sir.
Nicholas Adams	Oh, gotcha! Okay, and so you said that Matthew Forman had called from Flip a Coin Bullion?
Mark Joslyn	No, I don't remember a name, but I don't think it was a Matthew. I talked to... I talked to a male just briefly and said, "Yeah, okay, I'll buy, I'll buy six." And then he says, "Okay, you're going to get an email, and then some director or something is going to call you and verify." Blah, blah, blah. And I said, "Okay," so about 10 minutes later, a woman called me and I, I'm terrible with names, I mean, the only reason I know Aaron's name is because I had him put it in my phone. So it says Aaron Bullion Stark.
Nicholas Adams	So sorry! So who did you buy the coins from this morning? I was just sorry, I was confused.
Mark Joslyn	It's called Flip a Coin out of Tampa, Florida. Actually, I think it's called, it's out of Well Rico.
Nicholas Adams	Yeah, okay, so you bought the coins from some representative from Flip a Coin Bullion, right?
Mark Joslyn	Yes.
Nicholas Adams	Gotcha. Okay! And you bought what? Six coins? Mark?
Mark Joslyn	Yeah.
Nicholas Adams	All right, gotcha! Well, I appreciate you letting us know. And yeah, hopefully we can beat Flip a Coin Bullion to the punch. And you're sure it was... It was Flip a Coin Bullion out of Florida.
Mark Joslyn	Yeah, sir. Out of Well Rico, Florida.
Nicholas Adams	Gotcha. Okay. Does Christina ring a bell as the woman who called you?
Mark Joslyn	No, sir. I'm really terrible with names.
Nicholas Adams	No, women.
Mark Joslyn	Now, if you will you have Aaron call me back in the morning, I'll be able to go into my email and see if there's a name on my email because they said I would get an email from the gentleman who I talked to.
Nicholas Adams	Sure.
Mark Joslyn	And then there will be a follow up email from the person I talked to then.
Nicholas Adams	Gotcha. I'll understand. Okay, so...
Mark Joslyn	So, get names then. But like Aaron was saying, he says, "Oh no, you don't want to do business to them, they used to work for us and there's a non-disclosure thing." Whatever, I know.
Nicholas Adams	No, I gotcha. It is what it is. So definitely you bought from Flip a Coin Bullion those six coins. And will you be able to send us, you know, the email because I like to beat them on pricing in a few.
Mark Joslyn	Yeah, I guess so.
Nicholas Adams	Okay, cool. Yeah, send me the invoice when you can or to Aaron, and he'll forward it to me and then we'll beat their pricing, I promise.
Mark Joslyn	Okay.
Nicholas Adams	All right. Awesome. Mark, I appreciate it my friend.
Mark Joslyn	Yes, sir.
Nicholas Adams	All right. Let's see, you have a wonderful day. We'll speak in the morning.
Mark Joslyn	All right. Thank you, Sir.
Nicholas Adams	Thanks, buddy.

CERTIFIED TRANSCRIPTION

ParkCase #23041020

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English Transcription

Case 2:23-cv-06529-njc-arl

November 20, 2023

11/20/23 5:30 AM

**Bullion Shark, LLC - Notice to Immediately Cease & Desist**

From: Kyle Mongeau (kyle@mlabriaw.com)

To: matthewromans@cloud.com; chrismccarthy@arco.com

Cc: emanuele@mlabriaw.com

Date: Thursday, August 17, 2023 at 09:01 PM EDT

**Mr. Forman and Ms. Cappello**

This firm represents Bullion Shark, LLC (hereinafter the Company). Please consider the following regarding correspondence and delivery of documents:

Federal Express

Be guided accordingly.

Kyle F. Mongeau, Esq.

Milman Labuda Law Group PLLC

3000 Marcus Avenue, Suite 3408

Lake Success, NY 11042-1073

(516) 328-8899 (Office)

(516) 328-0082 (Fax/Fax)

kyle@mlabriaw.com

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2023-08-17-BullionSharkDemandLetter.pdf  
125MB

**Exhibit 3**

Case 2:23-cv-06529-njc-arl

November 20, 2023

The screenshot shows a web page from a company formation service. At the top, there are navigation links: 'Your Status' (highlighted in yellow), 'Business Connect Information', 'Form a Company', and 'Finalize Legal Documents'. Below this, the company name 'Flip A Coin Bullion LLC' is displayed in large bold letters, followed by the subtitle 'Form a Company in Florida'. A circular icon indicates the status: 'Form a Company filing Received'. To the right, a message says 'Congratulations, your filing has been completed and it was filed with the State on 08/16/2023.' Another circular icon shows 'Submitted to State of Florida' with a note about a 10-day processing time. A button labeled 'Review Your Filed Document' is visible. The bottom of the page features a large, stylized 'Exhibit 4'.

Your Status Business Connect Information Form a Company Finalize Legal Documents

**Flip A Coin Bullion LLC**  
Form a Company in Florida

08/07/2023  
Form a Company filing Received  
Estimated Processing Time: 5 days

Congratulations, your filing has been completed and it was filed with the State on 08/16/2023.

Submitted to State of Florida  
Estimated State Processing Time: 10 days

Review Your Filed Document

**Exhibit 4**